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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/816,955 | 03/23/2001 | David J. Bauer | TIP-119-3 | 8768 |

7590 05/16/2003

John R. Benefiel
280 Daines Street, Suite 100 B
Birmingham, MI 48009

EXAMINER

FLEMING, FAYE M

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,955

Applicant(s)

BAUER ET AL.

Examiner

Faye Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,7,9-14,24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,7,9-14,24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Prosecution Application

1. The request filed on April 8, 2003 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/816,955 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 1 and 24 recites the limitation "said cover". There is insufficient antecedent basis for this limitation in the claim.
5. Regarding claim 24, the phrase "particular" renders the claim(s) indefinite. Correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1, 2, 4, 6, 7, 9-14, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanbu, et al (5,060,971) in view of Takamatsu, et al (4,246,213), further in view of Proos, et al (5,335,935).

Nanbu, et al discloses an automotive interior trim piece 1, the preweakening 2, 3, 4 areas are applied in a predetermined pattern enabling formation of an air bag deployment opening in the trim piece 1 by pressure exerted by an airbag deploying; the trim piece has an inner surface 7 and an outer surface 8; the outer surface 8 visible from within an automotive vehicle and extending smoothly and uninterruptedly across the preweakening pattern, the preweakening comprising a scoring penetrating into the inner surface and extending along a predetermined pattern, the scoring has a stepped depth configuration along the predetermined pattern but not completely penetrating through to the outer surface. The trim piece 1 includes a substrate layer 7 and an overlying covering layer 8. The preweakening extends completely through the substrate, as shown in Figure 10. Nanbu, et al teaches the claimed invention except a plurality of layers in the trim piece.

Takamatsu, et al discloses a trim piece including a substrate layer 32, an inner covering layer 14 overlying the substrate and an outside covering layer 26 overlying the inner covering layer. The inner covering layer 14 overlying the substrate layer is a foam layer. The preweakening extends partially into the inner covering layer. Takamatsu, et al also teaches the preweakening extends completely through the inner covering layer. The preweakening extends partially into the outer covering layer without completely penetrating through to the outer layer surface. The trim piece includes a substrate layer with one or more covering layers, and wherein the preweakening includes a continuous

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scoring completely penetrating the substrate layer and extending along the predetermined pattern. Based on the teachings of Takamatsu, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the trim piece of Nanbu, et al to include various layers of material to provide an improved cover member. With regards to stepped depth configured cyclically, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the shape of the scoring, since changing the shape of the material would not change the function of the device and changing the shape is generally recognized as being within the level of ordinary skill in the art. Nanbu, et al in view of Takamatsu, et al teaches the claimed invention except for a laser beam.

Proos, et al teaches an airbag with an integral cover having a tear seam area which can be weakened in a post molding by a high energy laser beam (see Col. 13, lines 34-41). Based on the teachings of Nanbu, et al in view of Takamatsu, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the trim piece of the combination of Nanbu, et al and Takamatsu, et al to use a laser beam for scoring to assure proper airbag release.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 2, 4, 6, 7, 9-14, 24 and 25 have been considered but are moot in view of the new ground(s) of rejection.

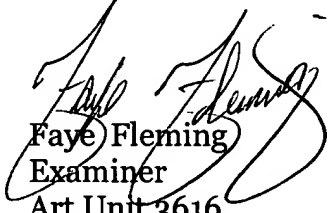
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-2571 for regular communications and (703) 308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Faye Fleming
Examiner
Art Unit 3616
05/14/03